

### **REMARKS / ARGUMENTS**

This letter is responsive to the Office Action dated December 6, 2001. This response is accompanied by a Request for a two-month Extension of Time. Accordingly, it is respectfully submitted that this response is timely filed.

In paragraph 1 of the detailed action, the Examiner stated that the application does not set out therein a reference to the prior applications. The applicant has amended the application to indicate that it is a continuation of application no. 09/239,860 which is a continuation-in-part of application no. 09/227,534.

In paragraph 2 of detailed action, the Examiner stated that the information disclosure statement filed on January 22, 2001 failed to comply with 37 CFR 1.98(a)(2) which requires a legible copy of each United States and foreign patent referred to in an information disclosure statement. The applicant respectfully submits that a copy of each reference which was set out in the information disclosure statement filed on January 22, 2001 was not provided in view of the provision of 37 CFR 1.98(d) in that a copy of each said reference was provided during the prosecution of a parent application.

The Examiner acknowledged that the information disclosure statement had been considered using the references from the parent application. To this end, the applicant notes that the Examiner provided a copy of sheets PTO-1449 which were initialed by the Examiner (see the attachment to the Office Action dated April 25, 2001). However, the enclosures which the applicant received indicate that the Examiner did not initial sheet 7 of 7 (a copy of which is attached). The applicant respectfully submits that a copy of sheet 7 of 7 as initialed by the Examiner be provided to confirm that, for the record, all of the material as set out in the information disclosure statement is properly noted as having been considered.

In paragraph 3 of the detailed action, the Examiner stated that the abstract should be amended to reflect the presently claimed invention. In view of the comments from the Examiner, the applicant has hereby amended the abstract in relate to the invention claimed herein. Accordingly, the applicant respectfully submits that the abstract now contains appropriate subject matter.

In paragraph 3 of the detailed action, the Examiner also objected to the specification since it was considered unclear as to where in the specification is located support for the second collection chamber being parallel to the first dirt collection chamber. While the applicant considers the specification to contain sufficient support, the applicant has cancelled without prejudice the claims which refer to collection chamber as being parallel. In view of the forgoing, the applicant respectfully submits that no amendment to the specification is required.

In paragraph 6 of the detailed action, the Examiner rejected claims 35 – 44 under 35 U.S.C. 112, 1<sup>st</sup> paragraph as containing subject matter which was not described in the specification in such a way to reasonably convey to one skilled in the relevant art

that the inventor, at the time the application was filed, had possession of the claimed invention. Once again the Examiner was referring to the statement in some of the claims that the dirt collection chambers were "parallel". The applicant has cancelled claims 35, 37 and 44 in view of this comment with no prejudice. Accordingly he applicant respectfully submits that the application now complies with 35 U.S.C. 112, 1<sup>st</sup> paragraph.

In paragraph 8 of the detailed action, the Examiner rejected claims 31 – 44 under 35 U.S.C. 112, 2<sup>nd</sup> paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the Examiner stated that in the independent claims, the source of suction was not set out. Applicant has amended the independent claims to include a source of suction. The applicant respectfully submits that this amendment to the specification is not related to any issue of patentability.

The Examiner also requested changes to claims 31, 39 and 40 to ensure that correct antecedents were provided or that correct references were made to antecedents. The requisite changes have been made in the claims pursuant to this Response. Accordingly, the applicant respectfully submits that the claims currently on file comply with 35 U.S.C. 112, 2<sup>nd</sup> paragraph.

The Examiner indicated at page 15 of the Office Action that the subject matter of claim 38 was allowable if re-written to overcome the rejections under 35 U.S.C. 112, 2<sup>nd</sup> paragraph and to include all of the limitations of the base claim and any intervening claims. In view of this, the applicant has amended claim 31 to include the limitations of claims 38 and 34. Accordingly, the applicant respectfully submits that claim 38 is in condition for allowance.

The Examiner indicated that claim 40 would be allowable if re-written or amended to overcome the rejections under 35 U.S.C. 112, 2<sup>nd</sup> paragraph. In view of the amendments referred to previously, the applicant respectfully submits that claim 40, and the claims dependent thereon, are now in allowable format.

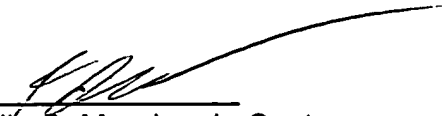
By this response, the applicant has added new dependent claims 45 – 47. These additional dependent claims do not add any new subject matter to the claims which are already on file and, it is respectfully submitted, are allowable if the independent claims are allowable.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

Appln. No. 09/679,353

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,  
Bereskin & Parr

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Specification:**

Please cancel all written material between "Title" and "Field of the invention" and insert the following:

The present application is a division of Application No. 09/239,860, filed January 29, 1999, which has now issued as Patent No. 6,334,234, which is a continuation-in-part of Application No. 09/227534 which has now issued as Patent No. 6, 141,826.

**In the Abstract:**

Please cancel the abstract that is on file and insert therefor the following:

An upright vacuum cleaner has an upper body portion mounted on a cleaning head. The upper body portion has a cyclonic cleaning unit comprising at least first and second cyclonic cleaning stages. The first cyclonic cleaning stage has a first dirt collection chamber having a bottom and the second cyclonic cleaning stage has a second dirt collection chamber having a bottom. The cyclonic cleaning unit is removable from the vacuum cleaner, and the bottom of the first and second dirt collection chambers lie in a common plane.

**In the claims:**

Please cancel claims 34 to 38 and 44 without prejudice.

Please amend claims 31, 39 and 40 as follows.

31. An upright vacuum cleaner comprising:

(a) a cleaning head for cleaning a surface, the cleaning head having a dirty air inlet;

(b) an upper body portion mounted on the cleaning head, the upper body portion having a cyclonic cleaning unit comprising at least first and second cyclonic cleaning stages, the first cyclonic cleaning stage comprises a single cyclone and has a first dirt collection chamber having a bottom, the second cyclonic cleaning stage positioned in series with the first cyclonic cleaning stage and has a second dirt collection chamber having a bottom and the cyclonic cleaning unit is removable from the vacuum cleaner, and the bottom of the first and second dirt collection chambers lie in a common plane; and,

(c) a source of suction to draw into the dirty air inlet and through the vacuum cleaners.

39. The upright vacuum cleaner as claimed in claim 31 wherein the second cyclonic cleaning stage is positioned above the first cyclonic cleaning stage.

40. An upright vacuum cleaner comprising:

(a) a cleaning head for cleaning a surface, the cleaning head having a dirty air inlet;

(b) an upper body portion mounted on the cleaning head, the upper portion having a cyclonic cleaning unit comprising at least first and second cyclonic cleaning stages, the second cyclonic cleaning stage positioned in series with the first cyclonic cleaning stage and the cyclonic cleaning unit is removable from the vacuum cleaner; and,

(c) the first cyclonic cleaning stage has a first dirt collection chamber having a bottom, the second cyclonic cleaning stage comprises a plurality of cyclones and has a single second dirt collection chamber having a bottom and the bottom of the first and second dirt collection chambers lie in a common plane; and,

(d) a source of suction to draw into the dirty air inlet and through the vacuum cleaners.

Please insert new claims 45 – 48 which are set out below:

45. The upright vacuum cleaner as claimed in claim 33 wherein the second cyclonic cleaning stage is positioned above the first cyclonic cleaning stage.

46. The upright vacuum cleaner as claimed in claim 32 wherein the second cyclonic cleaning stage is positioned above the first cyclonic cleaning stage.

47. The vacuum cleaner as claimed in claim 41 wherein the second cyclonic cleaning stage is positioned above the first cyclonic cleaning stage whereby dirt separated by the cyclonic cleaning stages falls due gravity into each of the dirt collection chambers.

48. The vacuum cleaner as claimed in claim 47 wherein the first cyclonic cleaning stage comprises a single cyclone.